

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Second
Amended Accusation Against:**

Min Soo Sauk, M.D.

Case No. 800-2015-018483

**Physician's and Surgeon's
Certificate No. A 37641**

Respondent

DECISION

**The attached Stipulated Surrender of License and Order is hereby adopted
as the Decision and Order of the Medical Board of California, Department of
Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on October 22, 2019.

IT IS SO ORDERED October 15, 2019.

MEDICAL BOARD OF CALIFORNIA



**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6461
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Second Amended
Accusation Against:

13 **MIN SOO SAUK, M.D.**
14 **10375 Garden Grove Avenue**
Northridge, CA 91326

15 **Physician's and Surgeon's Certificate No. A**
16 **37641,**

17 Respondent.

Case No. 800-2015-018483

OAH No. 2018041135

STIPULATED SURRENDER OF
LICENSE AND ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Brian D. Bill,
25 Deputy Attorney General.

26 2. MIN SOO SAUK, M.D. (Respondent) is represented in this proceeding by attorney
27 Peter Osinoff, Esq., whose address is: 355 South Grand Avenue, Suite 1750, Los Angeles, CA
28 90071.

3. On or about November 2, 1981, the Board issued Physician's and Surgeon's Certificate No. A 37641 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-018483 and expired on February 28, 2019.

JURISDICTION

4. Second Amended Accusation No. 800-2015-018483 was filed before the Board, and is currently pending against Respondent. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent on September 19, 2019. Respondent stipulates to a surrender of Physician's and Surgeon's Certificate No. A 37641. A copy of Second Amended Accusation No. 800-2015-018483 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Second Amended Accusation No. 800-2015-018483. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of the First Cause for Discipline in Second Amended Accusation No. 800-2015-018483, agrees that cause exists to take action and hereby surrenders his Physician's and Surgeon's Certificate No. A 37641 for the Board's formal acceptance.

1 9. Respondent understands that by signing this stipulation he enables the Board to issue
2 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
3 process.

4 **RESERVATION**

5 10. The admissions made by Respondent herein are only for the purposes of this
6 proceeding, or any other proceedings in which the Medical Board of California or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 **CONTINGENCY**

10 11. This stipulation shall be subject to approval by the Board. Respondent understands
11 and agrees that counsel for Complainant and the staff of the Board may communicate directly
12 with the Board regarding this stipulation and surrender, without notice to or participation by
13 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
14 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
15 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
16 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
17 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
18 be disqualified from further action by having considered this matter.

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
21 thereto, shall have the same force and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following Order:

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1 ORDER

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 37641, issued
3 to Respondent MIN SOO SAUK, M.D., is surrendered and accepted by the Board.

4 1. Respondent shall lose all rights and privileges as a physician and surgeon in
5 California as of the effective date of the Board's Decision and Order.


6 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was
7 issued, his wall certificate on or before the effective date of the Decision and Order.

8 3. If he ever applies for licensure or petitions for reinstatement in the State of California,
9 the Board shall treat it as a new application for licensure. Respondent must comply with all the
10 laws, regulations and procedures for licensure in effect at the time the application or petition is
11 filed, and all of the charges and allegations contained in Accusation No. 800-2015-018483 shall
12 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
13 grant or deny the application or petition.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Surrender of License and Order and have fully
16 discussed it with my attorney Peter Osinoff, Esq. I understand the stipulation and the effect it will
17 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
18 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19 Decision and Order of the Medical Board of California.

20
21 DATED: Sept 22 '19


22 MIN SOO SAUK, M.D.
Respondent

23 I have read and fully discussed with Respondent MIN SOO SAUK, M.D. the terms and
24 conditions and other matters contained in this Stipulated Surrender of License and Order. I
25 approve its form and content.

26
27 DATED: 9/23/19


28 PETER OSINOFF, ESQ.
Attorney for Respondent

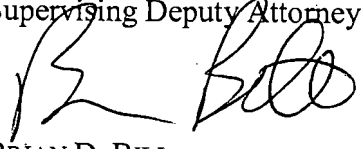
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 10-1-19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General


BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Second Amended Accusation No. 800-2015-018483

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6461
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept 19 20 19
BY [Signature] ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Second Amended
12 Accusation Against:

Case No. 800-2015-018483

SECOND AMENDED ACCUSATION

13 **Min Soo Sauk, M.D.**
14 **10375 Garden Grove Avenue**
Northridge, CA 91326

15 **Physician's and Surgeon's Certificate**
No. A 37641,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Second Amended Accusation solely
21 in her official capacity as the Executive Director of the Medical Board of California, Department
22 of Consumer Affairs (Board).

23 2. On or about November 2, 1981, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 37641 to Min Soo Sauk, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and expired on February 28, 2019.

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4. Section 820 of the Code, states:

5. Section 822 of the Code, states:

“(a) Revoking the licentiate's certificate or license.

“(b) Suspending the licentiate's right to practice.

“(c) Placing the licentiate on probation.

"The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

6. Section 2001.1 of the Code, states:

“Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the

1 public is inconsistent with other interests sought to be promoted, the protection of the public shall
2 be paramount.”

3 7. Section 2227 of the Code states:

4 “(a) A licensee whose matter has been heard by an administrative law judge of the Medical
5 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
6 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
7 action with the board, may, in accordance with the provisions of this chapter:

8 “(1) Have his or her license revoked upon order of the board.

9 “(2) Have his or her right to practice suspended for a period not to exceed one year upon
10 order of the board.

11 “(3) Be placed on probation and be required to pay the costs of probation monitoring upon
12 order of the board.

13 “(4) Be publicly reprimanded by the board. The public reprimand may include a
14 requirement that the licensee complete relevant educational courses approved by the board.

15 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
16 the board or an administrative law judge may deem proper.

17 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
18 review or advisory conferences, professional competency examinations, continuing education
19 activities, and cost reimbursement associated therewith that are agreed to with the board and
20 successfully completed by the licensee, or other matters made confidential or privileged by
21 existing law, is deemed public, and shall be made available to the public by the board pursuant to
22 Section 803.1.”

23 8. Section 2228 of the Code states:

24 “The authority of the board or the California Board of Podiatric Medicine to discipline a
25 licensee by placing him or her on probation includes, but is not limited to, the following:

26 “(a) Requiring the licensee to obtain additional professional training and to pass an
27 examination upon the completion of the training. The examination may be written or oral, or
28 both, and may be a practical or clinical examination, or both, at the option of the board or the

1 administrative law judge.

2 “(b) Requiring the licensee to submit to a complete diagnostic examination by one or more
3 physicians and surgeons appointed by the board. If an examination is ordered, the board shall
4 receive and consider any other report of a complete diagnostic examination given by one or more
5 physicians and surgeons of the licensee's choice.

6 “(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including
7 requiring notice to applicable patients that the licensee is unable to perform the indicated
8 treatment, where appropriate.

9 “(d) Providing the option of alternative community service in cases other than violations
10 relating to quality of care.”

11 9. Section 2234 of the Code, states:

12 “The board shall take action against any licensee who is charged with unprofessional
13 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
14 limited to, the following:

15 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
16 violation of, or conspiring to violate any provision of this chapter.

17 “(b) Gross negligence.

18 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
19 omissions. An initial negligent act or omission followed by a separate and distinct departure from
20 the applicable standard of care shall constitute repeated negligent acts.

21 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
22 for that negligent diagnosis of the patient shall constitute a single negligent act.

23 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
24 constitutes the negligent act described in paragraph (1), including, but not limited to, a
25 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
26 applicable standard of care, each departure constitutes a separate and distinct breach of the
27 standard of care.

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1 D. At 8:35 AM, E.C. experienced a sudden increase in pulse rate and a drop in both
2 respiration and blood pressure.

3 E. According to surgical notes, a camera was inserted into the incision site, and a
4 small amount of blood (about 100 cc) was seen over the dome of the liver. Respondent believed
5 the observed blood resulted from the removal of the hernia sac. The camera and trocar were
6 subsequently removed.

7 F. CPR was started at 8:36 AM. E.C. failed to respond to resuscitation efforts.
8 Ventricular fibrillation⁷ was noted at 9:16 AM. Resuscitation efforts were stopped at 9:17AM.

9 G. Respondent did not observe bleeding in E.C.'s abdomen. As such, Respondent did
10 not open E.C.'s abdomen to explore for bleeding. However, E.C.'s bleeding resulted from a
11 retroperitoneal bleed.

12 H. Respondent made no attempt to control the bleeding as Respondent did not
13 observe substantial bleeding during surgery.

14 13. Respondent listed the cause of death as "unknown" in the operative report. However,
15 in a form documenting E.C.'s death, Respondent documented the cause of death as a "respiratory
16 problem."

17 14. On or about February 28, 2014, an autopsy was performed on E.C. The Coroner
18 noted a massive hemoperitoneum⁸ of 2500 cc of liquid and clotted blood caused by a 0.8 x .03 cm
19 triangular perforation of the distal aorta near the right iliac artery. There was also a 1.5 x 0.2 cm
20 hole in the left side of the mesentery.⁹

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Inability to Safely Practice Medicine Due to a Physical Condition)**

23 15. Respondent is subject to disciplinary action under California Business and
24 Professions Code sections 820 and 822, in that Respondent has been diagnosed with a physical
25 condition that impairs his ability to safely practice medicine. The circumstances are as follows:

26 ⁷ A serious cardiac rhythm disturbance that prevents the heart from pumping blood,
27 leading to cardiac arrest.

⁸ The presence of blood in the peritoneal cavity caused by surgical procedure.

28 ⁹ A fold of the peritoneum that attaches the stomach, small intestine, pancreas, spleen, and
other organs to the posterior wall of the abdomen.

1 16. The facts and circumstances alleged in Paragraph 10 above, are incorporated by
2 reference as if set forth in full herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Repeated Acts of Negligence)**

5 17. Respondent is subject to disciplinary action under California Business and
6 Professions Code section 2234, subdivision (c), in that Respondent used a bladed trocar rather
7 than a blunt trocar during E.C.'s February 5, 2014 surgery and subsequently failed to explore
8 E.C.'s abdomen to discover the source of bleeding, thus committing repeated acts of negligence
9 during the aforementioned surgery. The circumstances are as follows:

10 18. The facts and circumstances alleged in Paragraphs 11 through 14, above, are
11 incorporated by reference as if set forth in full herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 19. Respondent is subject to disciplinary action under California Business and
15 Professions Code section 2234, in that that Respondent's performance of E.C.'s February 5, 2014
16 surgery constitutes unprofessional conduct. The circumstances are as follows:

17 20. The facts and circumstances alleged in Paragraphs 11 through 18, above, are
18 incorporated by reference as if set forth in full herein.

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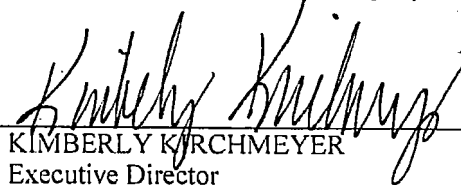
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 37641, issued to Min Soo Sauk, M.D.;
2. Revoking, suspending or denying approval of Min Soo Sauk, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Min Soo Sauk, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: September 19, 2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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